

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

ADEBISI T. ADIGUN

Petitioner,

v. // CIVIL ACTION NO. 1:14CV210
(Judge Keeley)

WARDEN R.A. PURDUE, LT. J. HURD,
DIRECTOR CHARLES SAMUEL, and
SIS DIVISION AND STAFF
of FCI GILMER

Respondents.

ORDER ADOPTING REPORT AND RECOMMENDATION [DKT. NO. 13]

On November 25, 2014, the pro se petitioner, Adebisi T. Adigun ("Adigun"), filed a pro se Petition for Habeas Corpus pursuant to 28 U.S.C. §§ 2241 in the Western District of Virginia. Because Petitioner was incarcerated in FCI Gilmer, the case was transferred to this Court on December 3, 2015. The Court referred this matter to United States Magistrate Judge Robert W. Trumble for initial screening and a Report and Recommendation ("R&R") in accordance with LR PL P 2.

On May 26, 2015, Magistrate Judge Trumble issued a R&R, in which he recommended that the Court dismiss Adigun's petition as improperly brought under § 2241 (Dkt. No. 13 at 3-4). He recommended that the Court dismiss Adigun's claim without prejudice to his right to file his claim as a civil rights action. Id. at 4.

The R&R also specifically warned Adigun that his failure to object to the recommendation would result in the waiver of any appellate rights he might otherwise have on this issue. Id. The

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parties did not file any objections.¹ Consequently, finding no clear error, the Court **ADOPTS** the Report and Recommendation in its entirety (Dkt. No. 13), **DENIES** the petition for writ of habeas corpus (Dkt. No. 1), and **ORDERS** that this case be **DISMISSED WITHOUT PREJUDICE** and stricken from the Court's active docket.

It is so **ORDERED**.

Pursuant to Fed. R. Civ. P. 58, the Court directs the Clerk of Court to enter a separate judgment order and to transmit copies of both orders to counsel of record and to the pro se petitioner, certified mail, return receipt requested.

Dated: December 10, 2015.

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE

¹ The failure to object to the Report and Recommendation not only waives the appellate rights in this matter, but also relieves the Court of any obligation to conduct a de novo review of the issue presented. See Thomas v. Arn, 474 U.S. 140, 148-153 (1985); Wells v. Shriners Hosp., 109 F.3d 198, 199-200 (4th Cir. 1997).